

REMARKS/ARGUMENTS

The present amendment is submitted in response to the Office Action received from the United States Patent Office dated July 3, 2007. In the Office Action, the Patent Office rejected Claims 9-11 under 35 U.S.C. §103(a) as being unpatentable over *Lemire* (United States Patent Number: 6,225,580) in view of *Allison et al.* (United States Patent Number: 3,311,718). Additionally, the Patent Office rejected Claims 1-12 under 35 U.S.C. §103(a) as being unpatentable over *Allison et al.* in view of *Tanaka et al.* and *Fowler*. Finally, the Patent Office rejected Claims 1-6 and 9-12 under 35 U.S.C. §103(a) as being unpatentable over *Fowler et al.* (United States Patent Number: 4,625,084) in view of *Tanaka et al.* (United States Patent Number: 4,857,677) in further view of *Allison et al.*

In response to the Office Action, Applicant has amended Claims 1, 10, and 11. Applicant respectfully submits that the application overcomes the rejections raised by the Patent Office. Applicant further submits that the application is now in condition for allowance. Notice to that effect is requested.

The Office rejected claims 9-11 under 35 U.S.C. §103(a) as being unpatentable over *Lemire* (United States Patent 6,225,580) in view of *Allison et al.* (United States Patent 3,311,718). Claims 1-6 were also rejected as being obvious over *Fowler et al.* (US 4,625,084) in view of *Tanaka et al.* (US 4,857,677) and further in view of *Allison et al.* Applicant respectfully submits that the amendments to the Claims overcome the above rejections and for the reasons that follow.

Amended claim 1 requires a rotary switch mounted above and below a panel, comprising: sealing member disposed between a portion of the switch and an underside of the panel; a detent sub-assembly located entirely above the panel. Additionally, Claim 1 further requires a knob that substantially covers the detent sub-assembly wherein the detent sub-assembly is enclosed and operates independent of the knob and further wherein only a bushing and shaft extend through the panel.

Amended claim 10 requires a method of selecting an electrical circuit using a panel mounted rotary switch, the method comprising the steps of : providing a shaft that cooperates with an independent detent sub-assembly located entirely on a user's side of the panel, wherein

the shaft is coupled to an electrical connection on an underside of the panel and further wherein the detent sub-assembly is completely on one side of the panel and the rotary switch is located on the underside of the panel and not within the detent sub-assembly;

Lemire does indeed disclose a switch with a sub-assembly on the user side of the panel, but fails to teach, suggest, or motivate a knob that substantially covers the detent sub-assembly and is independent of the detent sub-assembly. Indeed, the detent sub-assembly as shown in *Lemire's* figure is housed dependent on 5 the knob 57 of *Lemire*. Applicant's Figure 1 demonstrates prior art that shows similar to what is shown in *Lemire's* figure 5 in that the detent sub-assembly is housed dependent of the knob.

Additionally, *Lemire's* rotary switch is only mounted from the front of the panel. The present invention places a switch body that mounts from behind the panel, is fastened to the panel, and then requires the knob with detent to be fastened to the shaft of the switch that protrudes through the panel. The obvious benefit of this configuration is the space savings behind the panel because the detent mechanism is located in front of the panel.

Similarly, *Allison* also demonstrates a knob that is housed inside and not independent to the detent sub-assembly. (See col. 2, lines 36-44 of *Allison*). *Allison* does not teach or suggest a method of selecting an electrical circuit using a panel mounted rotary switch, comprising: providing a shaft that cooperates with an independent detent sub-assembly located entirely on a user's side of the panel, wherein the shaft is coupled to an electrical connection on an underside of the panel and further wherein the detent sub-assembly is completely on one side of the panel as required by claim 10. Thus, neither *Lemire* nor *Allison* disclose, teach or suggest what is recited in independent Claims 1, 10 and 11.

As for *Fowler*, it teaches the exact opposite as claim 1 in which a knob (housing means 25 of *Fowler*) houses a detent sub-assembly (switched construction 20 of *Fowler*), and it fails to teach or even suggest a knob that houses a detent sub-assembly independently. (See col. 7, lines 42-45, figure 5 of *Fowler*). With respect to *Tanaka*, while it teaches a dial knob to be operated independent of the detent sub-assembly, the detent sub-assembly still resides within the knob. (See figures 4 and 5, col. 4, lines 63-65). A shaft in *Tanaka* holds as the base to connect the knob and detent sub-assembly into one structure and thus the knob is not housing the detent sub-

assembly independently. Further, Tanaka does not disclose the shaft and bushing extending through the panel to attach the detent sub-assembly to the switch. Thus, neither *Fowler* nor *Tanaka* teaches or even suggests the embodiment of claim 1.

It is submitted that the question under §103 is whether the totality of the art would collectively suggest the claimed invention to one of ordinary skill in this art. In re Simon, 461 F.2d 1387, 174 USPQ 114 (CCPA 1972).

That elements, even distinguishing elements, are disclosed in the art is alone insufficient. It is common to find elements somewhere in the art. Moreover, most if not all elements perform their ordained and expected functions. The test is whether the invention as a whole, in light of the teaching of the reference, would have been obvious to one of ordinary skill in the art at the time the invention was made. Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983).

It is insufficient that the art disclosed components of Applicants' invention. A teaching, suggestion, or incentive must exist to make the combination made by Applicants. Interconnect Planning Corp. v. Feil, 774 F.2d 1132, 1143, 227 USPQ 543, 551 (Fed. Cir. 1988).

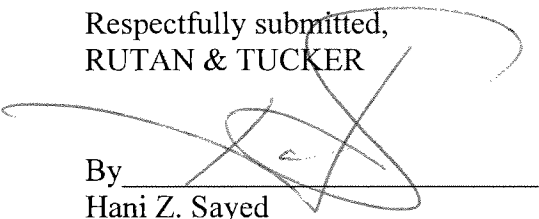
In view of the foregoing remarks and amendments, the rejection of Claims 1, 3-8 and 9-12 under U.S.C. §103(a) as being unpatentable over *Lemire* in view of *Allison et al*, has been overcome and should be withdrawn. In view of the foregoing remarks and amendments, it is submitted that the rejection of Claims 1-6 under 35 U.S.C. §103(a) as being unpatentable over *Fowler et al.* in view of *Tanaka et al.* and further in view of *Allison et al.* has been overcome. Notice to that effect is requested.

Claims 2-9 depend from Claim 1; and Claim 12 depends from Claim 11. These claims are further believed allowable for the same reasons set forth with respect to independent Claims 1 and 10 and 11 since each sets forth additional novel elements of Applicant's Low profile rotary switch.

In view of the foregoing remarks, Applicant respectfully submits that all of the claims in the application are in allowable form and that the application is now in condition for allowance. If any outstanding issues remain, Applicant urges the Patent Office to telephone Applicant's

attorney so that the same may be resolved and the application expedited to issue. Applicant requests the Patent Office to indicate all claims as allowable and to pass the application to issue.

Respectfully submitted,
RUTAN & TUCKER

By 
Hani Z. Sayed
Registration No. 52,544

Rutan & Tucker
611 Anton Blvd., 14th Floor
Costa Mesa, CA 92626-1931
Telephone (714) 641-5100
Fax (714) 546-9035